

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JUANA SIERRA,

*Plaintiff,*

- against -

07 Civ. 6769 (JSR)

CITY OF NEW YORK; NEW YORK CITY  
DEPARTMENT OF BUILDINGS, and PATRICIA  
J. LANCASTER, in her capacity as  
COMMISSIONER OF NEW YORK CITY  
DEPARTMENT OF BUILDINGS; NEW  
YORK CITY DEPARTMENT OF HOUSING  
PRESERVATION AND DEVELOPMENT, and  
SHAUN DONOVAN, in his capacity as  
COMMISSIONER OF NEW YORK CITY  
DEPARTMENT OF HOUSING PRESERVATION  
AND DEVELOPMENT; and EMAD IBRAHEM.

**NOTICE OF MOTION FOR  
SUMMARY JUDGMENT**

*Defendants.*  
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PLEASE TAKE NOTICE that Plaintiff Sierra, by her undersigned attorneys, shall move this Court before the Honorable Jed S. Rakoff, United States District Judge, Southern District of New York, at the Courthouse located at 500 Pearl Street, New York, New York, in Room 14-B on March 26, 2008 at 2:00 pm, for an Order pursuant to Fed. R. Civ. P. 56 granting Plaintiff's motion for summary judgment on the ground that no genuine issues of material fact exist and Plaintiff is entitled as a matter of law to a judgment in her favor ruling that: (i) the New York City Housing Maintenance Code ("HMC") §27-2076(b), on its face, violates the Fair Housing Act by impermissibly requiring discrimination on the basis of familial status and therefore is invalid and unenforceable; (ii) the Defendant's enforcement of HMC §27-2076(b) makes unavailable dwellings and discriminates in the terms and conditions of the rental of dwellings to persons based on familial status in violation of 42 U.S.C. § 3604(a) and (b), making any open or pending violations issued by the Defendants invalid and unenforceable; (iii) Plaintiff Sierra is entitled to injunctive relief permanently enjoining the Defendant from enforcing the

discriminatory provision; (iv) Plaintiff Sierra is entitled to compensatory damages as a result of Defendant's enforcement of a discriminatory provision; (v) Plaintiff Sierra is entitled to reasonable attorneys' fees and costs; and (vi) Plaintiff Sierra is entitled to all such other relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the Court's March 5, 2008 Order, Plaintiff Sierra makes this motion for summary judgment pursuant to Fed. R. Civ. P. 56, upon the adoption of: (i) the Complaint of Juana Sierra filed on July 26, 2007; (ii) the Declaration of Ami T. Sanghvi, signed July 26, 2007, and the exhibits annexed thereto; (iii) the Declaration of Martha Weithman, signed July 26, 2007, and the exhibits annexed thereto; (iv) the accompanying Memorandum of Law in Support of the Plaintiff's Order to Show Cause for temporary restraining order and Preliminary Injunction; (v) the Plaintiff's Reply Memorandum of Law to Defendant's Opposition to Plaintiff's Order to Show Cause for a Preliminary Injunction; and (vi) all other prior pleadings herein. Pursuant to the Court's March 5, 2008 Order, response to this motion shall be filed by March 14, 2008.

Dated: New York, New York  
March 7, 2008

BY: \_\_\_\_\_ /s  
AMI T. SANGHVI (AS 5128)

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